



## II. Legal Standard

Although *pro se* pleadings are liberally construed, the district court is required to dismiss an *in forma pauperis* action under 28 U.S.C. §1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. A claim lacks an arguable basis in law or fact when it is based on a meritless legal theory or when the factual allegations are clearly baseless.<sup>1</sup> A cause of action fails to state a claim upon which relief may be granted when it does not contain sufficient facts to demonstrate the Plaintiff has a plausible claim for relief.<sup>2</sup> In reviewing a Complaint, the Court must construe the pleading in the light most favorable to the Plaintiff.

## III. Analysis

Plaintiff's Complaint fails to state a claim upon which relief may be granted. He indicates he is entitled to relief under the Americans with Disabilities Act ("the ADA"), which prohibits an employer from discriminating against a qualified individual in the hiring process on the basis of a disability.<sup>3</sup> Plaintiff alleges he has a mental disability but he does not allege he applied to Key Bank for a job, that he was qualified for that job, that Key Bank personnel were aware of his disability and that he was refused employment on the basis of his disability.<sup>4</sup> Plaintiff does not allege enough facts to state a claim for relief under the ADA.

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<sup>1</sup> *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)

<sup>2</sup> *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 564 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009).

<sup>3</sup> 42 U.S.C. § 12102

<sup>4</sup> *See Nance v. Goodyear Tire & Rubber Co.*, 527 F.3d 539, 553 (6th Cir. 2008) (citing *Monette v. Elec. Data Sys. Corp.*, 90 F.3d 1173, 1186 (6th Cir. 1996)).

In addition, Plaintiff asserts claims for breached a mediation agreement and assault. These are state law claims. For the Court to have jurisdiction over these state law claims, Plaintiff must have related federal law claims before the Court.<sup>5</sup> Because Plaintiff's ADA claim was dismissed, the Court declines jurisdiction over his state law claims.

#### IV. Conclusion

Accordingly, Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. No. 2) is granted and this action is dismissed under 28 U.S.C. § 1915(e). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.<sup>6</sup>

IT IS SO ORDERED.

Dated: August 19, 2015

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 724 (1966).

<sup>6</sup> 28 U.S.C. § 1915(a)(3) provides that a Plaintiff may not proceed *in forma pauperis* on appeal if the trial court certifies an appeal cannot be taken in good faith.